

# **Minutes of the December 16, 2016**

## **Board of Emergency Medical Services Meeting**

### **CALL TO ORDER**

Dr. James Smith, Chairperson, called the meeting of the Board of Emergency Medical Services to order at 9:00 a.m. on Friday, December 16, 2016 in the Lighthouse Room at the Country Inn and Suites located at 5353 North 27th Street, Lincoln, NE. The meeting was duly publicized by distribution of the Notice of Meeting and Agenda at least ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Division of Public Health at least twenty-four (24) hours prior to the meeting.

Dr. Smith announced that this is a public meeting and the Open Meetings Law is posted.

The following Board members were present at the meeting: Mike Bailey, Randy Boldt, Karen Bowlin, Joel Cerny, Dr. Thomas Deegan, Ann Fiala, Don Harmon, Troy Hiemer, Charles LaFollette, Dr. Mike Miller, Carl Rennerfeldt, Dr. James Smith, and Scott Wiebe.

Also present were: Claire Covert-ByBee, Program Manager, Jacye LaFayette-Dymacek, Health Licensing Coordinator, Tim Wilson, Program Manager, Lisa Anderson, Assistant Attorney General, Teresa Hampton, Department Legal Counsel, and Investigators Mark Meyer, Jeff Newman and Larry Wiehn.

Linda Jensen was absent from the meeting. Dr. John Bonta arrived after the meeting began. Mr. Cerny and Mr. LaFollette left before the meeting adjourned.

Mr. Rennerfeldt, moved, seconded by Mr. Hiemer to adopt the agenda. Voting aye: Bailey, Boldt, Bowlin, Cerny, Deegan, Fiala, Harmon, Hiemer, LaFollette, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Bonta and Jensen. Motion carried.

Dr. Miller moved, seconded by Mr. Boldt to approve the September 12, 2016 meeting minutes as presented. Voting aye: Bailey, Boldt, Bowlin, Cerny, Deegan, Fiala, Harmon, Hiemer, LaFollette, Miller, Smith, and Wiebe. Voting nay: None. Abstaining: Rennerfeldt. Absent: Bonta and Jensen. Motion carried.

Dr. Miller congratulated Ms. Fiala for receiving the Rural Health Distinctive Consumer Advocate Award from the Nebraska Rural Health Association. The Board and public guests in attendance shared in those congratulations.

### **EMERGENCY MEDICAL SERVICES PROGRAM UPDATES**

Tim Wilson, Program Manager, provided the EMS Program Update. Mr. Wilson shared that he is continuing to evaluate the restructuring of his staff to ensure that all services are being covered. Adjustments are being made as necessary. Year 2 of the LUCAS device distribution has been completed. The Office has received and begun distribution of LUCAS 3 devices which incorporate small modifications. Plans for Year 3 distribution of the devices have already begun. Mr. Wilson is looking

into the possibility of rolling over unused grant funds for a possible year 4 distribution. Education for the STEMI Program continues with grant funds from the American Heart Association. A task force has been created to assist in implementing the requirements outlined in LB722. It has been divided into two working groups: one focusing on hospital implementation and the other on EMS implementation of the stroke system of care. A position to assist with this implementation was funded, but recent direction has put a hold on filling it. There has been an increase in data report requests from E-NARSIS. This has prompted the creation of a process to more efficiently handle those requests. The task of updating the State Model Protocols has been assigned to Rob Rowan, staff assistant in EMS Programs. Mr. Wilson is exploring various options for getting information out to licensees and public stakeholders. The office is planning on sending out a survey to all rural Emergency Medical Services to gather information to assess the status of emergency medical services in rural areas.

Wendy Snodgrass, EMS Education Compliance Manager, provided the EMS Training Agency Update. Ms. Snodgrass shared that five training agency site inspections have been completed thus far in 2016, with the remaining scheduled for the last week of 2016. She has just returned from National Registry training and is now able to assist with the proctoring of the psychomotor skills examination. The Leadership Academy finished up in November. Funding has been procured for all four levels of the Leadership Academy for 2017. Grant funds for an Instructor Academy are available and she is working towards putting that together. Around 200 classes were approved for continuing education funding in 2016. The office is working on finalizing a contract with a distributive learning organization to make it easier for providers in rural areas to access continuing education.

Claire Covert-ByBee, Program Manager, provided the Licensure Unit Update. Ms. Covert-ByBee shared that the Five-Year Legislative Report has been completed, and once approved by the Board will be submitted to the Department's Legislative and Communications person who will take the next steps for submission to the legislature. The office is working to fill the Health Licensing Specialist position that works primarily with Emergency Medical Services. In the interim, EMS licensure duties have been distributed to all members of the Office of Rehabilitation and Community Services. This is the first year that all provider levels have been able to renew online. The office plans to make online renewal an option for Basic and Advanced services for the next renewal cycle. A visit was made to Metropolitan Community College with the EMS Education Compliance Manager, Wendy Snodgrass, in October to speak to the students preparing to take the psychomotor skills examination in November. Information regarding licensure, rules and regulations, and the Board was shared with the students. The plan is to continue speaking to graduating classes regarding these topics. A budget has been approved for EMS Board activities that should cover all regular Board meetings and allow for at least two public forums State Fiscal Year 17. Dr. Smith voiced his concerns regarding the timeliness of information coming from the Licensure Unit including the posting of minutes and notifications to the Board when meeting materials are available for review. Mr. Wiebe would also like a request to go out to the Board prior to the agenda being posted to see if anyone has items to be added.

Dr. Eric Ernest, EMS Physician Medical Director, provided the Physician Medical Director Update. Dr. Ernest shared that work continues on the development of a physician medical director's course. His goal is to have it completed by March. The National Association of State EMS Officials (NASEMSO) has developed some state model rules and regulations for air ambulance services, which may be useful as

we continue work on our rules and regulations. Dr. Ernest wanted to recognize Scott Wiebe and Lincoln Fire & Rescue for their reporting of CARES data which is above 80%. There was a DEA bill entitled the Protected Patient Access to Emergency Medicines which was intended to allow EMS agencies to follow standing orders to provide controlled substances to patients and to provide some protection to those agencies. It was introduced in the House and passed, but was stalled in the Senate. They hope to readdress it in the next Legislative session.

### **COMMITTEE UPDATES**

During the Legislation and Regulations Committee Update, the Board discussed their concerns regarding temporary licensure of out-of-hospital emergency care providers and how those concerns may be addressed during the revision of the rules and regulations.

There was no update from the Services and Providers Committee.

During the Education Committee Update, the Board discussed LB390 which allows EMS providers to administer Naloxone under certain circumstances without fear of administrative action or criminal prosecution. The Board discussed the need for appropriate training of out-of-hospital emergency care providers and noted that while they could not mandate training for the administration of this drug, training would be beneficial. The Board will looking into any and all existing training courses.

During the Scope of Practice Committee Update, Dr. Miller shared information regarding alternatives to the EpiPen, an epinephrine auto-injector, and solutions to the high costs of that device that other states are implementing. Currently there are BLS services in Nebraska who are choosing not to carry EpiPens due to the cost. The State of Washington created kits which provide a vial of epinephrine, two syringes, and detailed instructions on how to administer epinephrine via syringe. These kits were priced around \$15 each. In current Nebraska rules and regulations, EMTs are only allowed to administer epinephrine by auto injector.

After discussion, Mr. Wiebe moved, seconded by Mr. Bailey to research methods to allow EMTs to use a manually syringe-drawn and injected form of epinephrine. Voting aye: Bailey, Boldt, Bowlin, Cerny, Deegan, Fiala, Harmon, Hiemer, LaFollette, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Bonta and Jensen. Motion carried.

After discussion, Mr. Rennerfeldt moved, seconded by Mr. Boldt to approve the stroke model protocol with suggested changes. Voting aye: Bailey, Boldt, Bowlin, Cerny, Deegan, Fiala, Harmon, Hiemer, LaFollette, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Bonta and Jensen. Motion carried.

There was nothing to report from the Trauma Board as they have not met since our last meeting. The next meeting is scheduled for April 14, 2017 from 10:00 a.m. to 2:00 p.m. in Lincoln. There is a vacancy on that Board for a Trauma Nurse Coordinator. The deadline for applications is January 2, 2017. The Trauma Board is working on their rules and regulations.

On behalf of Emergency Medical Services for Children (EMSC), Dr. Deegan shared that the EMSC program is continuing with outreach activities and tracking of performance measures.

On behalf of the Nebraska Emergency Medical Services Association (NEMSA), Deb VonSeggren shared that their hands-on conference will be held in January. They will also be releasing an app available through the Apple store in a couple of weeks. NEMSA also has Instagram, Twitter, and Facebook accounts. NEMSA is using the Board's strategic planning document to help in the creation of their own strategic planning. NEMSA will now be able to have representation at the Communication for the 911 Commission. After 20 years, NEMSA is looking for a new lobbyist.

On behalf of the Nebraska State Volunteer Firefighters Association (NSVFA), Michael Dwyer shared that their legislative breakfast will be held on January 17, 2017 at the Nebraska State Capitol. NSVFA is currently revamping their membership software and website which will result in the ability to quickly communicate with all members. The rollout is scheduled for March 1, 2017.

### **STRATEGIC PLANNING COMMITTEE UPDATES**

On behalf of the Rules and Regulations Committee, Ms. Fiala shared that the Scope of Practice Committee met yesterday to start the review and to figure out what method will best allow the Committee to communicate effectively regarding proposed changes. A rough timeline has been outlined to help guide the process.

On behalf of the EMS as an Essential Service Committee, Mr. Boldt shared that the most difficult part of this issue is a lack of funding. Documents from the State of Wisconsin were submitted to the Board regarding how that State has handled ensuring EMS as an essential service.

On behalf of the EMS Medical Direction Committee, Dr. Ernest had nothing additional to share.

On behalf of the EMS Data Collection Committee, Mr. Wiebe shared information regarding the Cardiac Arrest Registry (CARES).

After discussion, Mr. Wiebe moved, seconded by Ms. Bowlin to recognize CARES as a standard collection tool for pre-hospital cardiac arrest in the State of Nebraska. Voting aye: Bailey, Boldt, Bowlin, Cerny, Deegan, Fiala, Harmon, Hiemer, LaFollette, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Bonta and Jensen. Motion carried.

On behalf of the EMS Workforce Committee, Mr. Bailey had nothing to report at this time.

On behalf of the EMS Education and Testing Committee, Dr. Miller provided a draft of their educational assessment. He asked the Board to review this document and provide feedback for further review.

After discussion, Dr. Miller moved, seconded by Ms. Bowlin to find access to a resource that can assist us with studying the current state of EMS delivery within the State of Nebraska. Voting aye: Bailey, Boldt, Bowlin, Cerny, Deegan, Fiala, Harmon, Hiemer, LaFollette, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Bonta and Jensen. Motion carried.

On behalf of the EMS Communication Committee, Dr. Smith mentioned the need to shore up the timely posting of the meeting minutes and model protocol changes. Ms. Covert-ByBee shared that EMS Licensure and Programs Staff continue to find ways to work together and communicate effectively.

The Board broke for lunch at 11:54 a.m. The meeting resumed at 12:45 p.m.

### **CLOSED SESSION**

Mr. Bailey moved, seconded by Mr. Boldt to go into closed session at 12:47 p.m. to hear discussions regarding confidential information and to protect the reputation of individuals named or referenced in such discussions. Voting aye: Bailey, Boldt, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Bonta, Cerny, Jensen, and LaFollette. Motion carried.

Mr. Boldt moved, seconded by Dr. Miller to return to open session at 2:04 p.m. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette.

### **DECISIONS**

Mr. Hiemer moved, seconded by Ms. Bowlin to offer Michael B Peterson a three-year probationary license to practice as an Emergency Medical Technician in the State of Nebraska based on his misdemeanor convictions and diagnosis of alcohol abuse. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Boldt moved, seconded by Dr. Miller to deny Joshua Buck's application for reinstatement following discipline and to maintain revocation based on insufficient evidence to support reinstatement and failure to pay penalty and compliance costs. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, and Smith. Voting nay: None. Abstaining: Wiebe. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Boldt moved, seconded by Mr. Rennerfeldt to issue Lion's Gate EMS & Emergency Services a license to operate as a Basic Life Support Non Transport Service. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Harmon, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Abstaining: Fiala and Hiemer. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Bailey moved, seconded by Ms. Bowlin to offer Nicholas Lee Knotek-Waughberg a three-year probationary license to practice as an Emergency Medical Technician based on his misdemeanor convictions, his diagnoses of alcohol abuse and marijuana abuse, and his failure to follow the recommended treatment plan. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Dr. Miller moved, seconded by Mr. Boldt to deny Brandi L Pinkerton's application for reinstatement following discipline and to maintain the current probationary terms and conditions. Voting aye: Bailey,

Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Dr. Miller moved, seconded by Ms. Bowlin to issue Troy Daniel Armstrong a license to practice as a Paramedic and an EMS Instructor in the State of Nebraska. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Wiebe moved, seconded by Ms. Fiala, to issue Bryan C Reyes a license to practice as an Emergency Medical Technician in the State of Nebraska. Voting aye: Bailey, Boldt, Bonta, Deegan, Fiala, Harmon, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Abstaining: Bowlin and Hiemer. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Wiebe moved, seconded by Mr. Harmon to deny Allan H Schultz' application for reinstatement of his license as an Emergency Medical Technician based on misrepresentation of material facts on his application. Voting aye: Bailey, Boldt, Bonta, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Abstaining: Bowlin. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Wiebe moved, seconded by Mr. Bailey to offer Nathan M Graham a three-year probationary license to practice as an Emergency Medical Responder based on his misdemeanor convictions and diagnosis of alcohol use disorder, mild. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Mr. Wiebe moved, seconded by Ms. Bowlin to offer Travis S Rup a three-year probationary license to practice as a Paramedic in the State of Nebraska based on his misdemeanor convictions and diagnosis of alcohol abuse. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

Dr. Deegan moved, seconded by Ms. Bowlin to offer to reinstate Lyle V Davison's license to practice as an Emergency Medical Technician in the State of Nebraska on a three-year probation based on his misdemeanor convictions. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette.

### **MISCELLANEOUS BUSINESS**

After discussion, Dr. Miller moved, seconded by Mr. Hiemer to accept the five-year legislative report with the addition of the CARES data. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon, Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

After discussion, Ms. Fiala moved, seconded by Dr. Miller to adopt the conviction review guidelines currently used by the Board of Nursing. Voting aye: Bailey, Boldt, Bonta, Bowlin, Deegan, Fiala, Harmon,

Hiemer, Miller, Rennerfeldt, Smith, and Wiebe. Voting nay: None. Absent: Cerny, Jensen, and LaFollette. Motion carried.

A copy of a report showing the number of licenses that have been renewed as of December 15, 2016 was provided to the Board. This report was for informational purposes only.

Information regarding CARES was provided earlier in the meeting.

After renewal, the Department will conduct an audit of 3% of all license types that renewed as of December 31, 2016. This item was voted on at the last meeting and is provided here for informational purposes only.

After discussion, the Board acknowledge that there is currently no local content identified for the NREMT National Continuing Competency Program.

Information regarding the budget was provided earlier in the meeting.

A copy of the application processing report was shared for information purposes only.

If any Board member has information they would like to discuss at the next meeting, please share that with Ms. LaFayette-Dymacek at least 15 days prior to the meeting.

The 2017 Board of Emergency Medical Services meetings are scheduled for Monday, February 27, Monday, April 24, Monday, July 17, Friday, September 22, and Friday, December 8. All meetings will begin at 9:00 a.m. and held at the Country Inn & Suites located at 5353 North 27th Street in Lincoln, Nebraska unless otherwise indicated.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 2:48 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Wiebe", written over a horizontal line.

Scott Wiebe, Secretary